

REMARKS

Specification Objections. In the Non-Final Office Action, Examiner Roy objected to the Title of the specification as failing to clearly indicate the invention as to which the claims are directed and to the Abstract of the specification for reciting the legalese term “comprising”. The Applicant has Title and the Abstract of the specification herein to obviate these objections. No new matter was introduced by the aforementioned amendments to the Title and the Abstract. Withdrawal of the objections to the specification is therefore respectfully requested.

Claim Rejections. In the Non-Final Office Action, Examiner Roy rejected pending claims 1-10 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration of the present application:

- A. Examiner Roy rejected claims 1, 5 and 6 under 35 U.S.C. §112, ¶1 as failing to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make use of the invention commensurate in scope with claims 1, 5 and 6

The Applicant has thoroughly considered Examiner Roy’s remarks concerning the enablement of claims 1, 5 and 6. The Applicant has also read the specification in view of the art of record, particularly U.S. Patent No. 5,952,768 to *Strok*. To warrant this §112, ¶1 rejection of claims 1, 5 and 6, the claimed invention as recited in the aforementioned claims must not enable any person skilled in the art to make and use the claimed invention without undue experimentation. See, MPEP §2164.01. The Applicant respectfully traverses this §112, ¶1 rejection of claims 1, 5 and 6, because “during operation of the lamp and in dependence on the mounting position of the lamp” as recited in independent claim 1 does in fact enable any person skilled in the art to make and use “wherein a region with a lowest temperature and a region with

a highest temperature establish themselves at the inner and the outer contour of the burner wall (25), respectively,” as originally recited in independent claim 1, “characterized in that the interference filter (3) is arranged in that location or at least in that location where the region of lowest temperature establishes itself at the outer contour of the burner wall (25)” as originally recited in dependent claim 5, and “characterized in that the interference filter (3) is arranged not in that location where the region of lowest temperature establishes itself at the outer contour of the burner wall (25)” as originally recited in dependent claim 6. This fact is supported by the specification. See, U.S. Patent Application Serial No. 10/598,608 at page 5, lines 15-33; and page 7, lines 7-10. Furthermore, this fact is well known in the art as evidenced by *Strok*. See, *Strok* at column 4, lines 25-56.

Nonetheless, to more particularly point out and distinctly claim the subject matter of claims 1, 5 and 6, the Applicant has amended independent claim 1 herein to recite “wherein a region with a lowest temperature and a region with a highest temperature establish themselves at contour of the burner wall (25) during operation of the lamp and in dependence on the mounting position of the lamp”, amended dependent claim 5 to recite “characterized in that the interference filter (3) is arranged in that location or at least in that location where the region of lowest temperature establishes itself at the contour of the burner wall (25)” and amended dependent claim 6 to recite “characterized in that the interference filter (3) is arranged not in that location where the region of lowest temperature establishes itself at the contour of the burner wall (25)”. The Applicant respectfully asserts that these limitations of claims 1, 5 and 6 are supported by the specification as originally filed and are well known in the art as evidenced by *Strok*.

Withdrawal of the rejection of claims 1, 5 and 6 under 35 U.S.C. §112, ¶1 as not being enabled is therefore respectfully requested.

- B.** Examiner Roy rejected claims 5 and 6 under 35 U.S.C. §112, ¶1 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

Examiner Roy rejected claims 5 and 6 as being indefinite due to the recitation of “the outer contour of the burner wall (25)” as related to the region of lowest temperature in opposition to the scope of independent claim 1 encompassing the region of lowest temperature being at the inner contour of the burner wall. To more particularly point out and distinctly claim the subject matter of claims 5 and 6, the Applicant has amended independent claim 1 herein to recite “wherein a region with a lowest temperature and a region with a highest temperature establish themselves at contour of the burner wall (25) during operation of the lamp and in dependence on the mounting position of the lamp”, amended dependent claim 5 to recite “characterized in that the interference filter (3) is arranged in that location or at least in that location where the region of lowest temperature establishes itself at the contour of the burner wall (25)” and amended dependent claim 6 to recite “characterized in that the interference filter (3) is arranged not in that location where the region of lowest temperature establishes itself at the contour of the burner wall (25)”.

Withdrawal of the rejection of claims 5 and 6 under 35 U.S.C. §112, ¶2 as being indefinite is therefore respectfully requested.

- C. Examiner Roy rejected claims 1, 2 and 7-10 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0104957 to *Strok* et al. in view of U.S. Patent No. 6,765,193 to *Kawakatsu*

The Applicant has thoroughly considered Examiner Roy’s remarks concerning the patentability of claims 1, 2 and 7-10 over *Strok*. The Applicant has also thoroughly read *Strok*. To warrant this §102(b) rejection of claims 1, 2 and 7-10, each and every element as set forth in independent claim 1 must be either expressly or inherently described in *Strok*. See, MPEP §2131. To overcome this §102(b) rejection of independent claim 1, the Applicant has amended independent claim 1 herein to recite “and with a multilayer interference filter (3) which is provided on a portion of the outer contour of the burner wall (25), which interference filter (3)

reflects towards the discharge chamber (21) mainly light in that wavelength range of the IR light wherein the material of the burner wall (25) has its maximum emissive power and is not transparent. Specifically, the Applicant respectfully asserts that a careful review of *Strok* reveals the fact that *Strok* fails to describe, expressly or inherently, a wavelength range of reflected infrared light having a specific relationship to a maximum emissive power of a material of a burner wall.

No new matter was introduced by the amendment of independent claim 1 herein. See, *U.S. Patent Application Serial No. 10/598,608* at page 4, lines 1-10.

Withdrawal of the rejection of independent claim 1 under 35 U.S.C. §102(b) as being anticipated by *Strok* is therefore respectfully requested.

Claims 2 and 7-10 depend from independent claim 1. Therefore, dependent claims 2 and 7-10 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2 and 7-10 are allowable over *Strok* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Strok*. Withdrawal of the rejection of dependent claims 2 and 7-10 under 35 U.S.C. §102(b) as being anticipated by *Strok* is therefore respectfully requested.

- D.** Examiner Roy rejected claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,952,768 to *Strok* et al. in view of U.S. Patent No. 4,652,789 to *Kawakatsu*

Claims 3 and 4 depend from independent claim 1. Therefore, dependent claims 3 and 4 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 3 and 4 are allowable over *Strok* in view of *Kawakatsu* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Strok*. Withdrawal of the rejection of dependent claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over *Strok* in view of *Kawakatsu* is therefore respectfully requested.

SUMMARY

The Applicant respectfully submits that claims 1-10 as listed herein fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Roy is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: **August 29, 2008**

Respectfully submitted,
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